Single Bench

13

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4555 OF 2004

PETITIONER

Niyaz Mohammad Ansari, S/o. Shri Safayat Ali Ansari, Aged about 42 years, Occupation-Service, R/o. village Narayanpur, Tahsil Surajpur, District Surguja (C.G.)

P.A. No. 4520/04
Presented by Shri A.K. Shukla
dated 29/11/04

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary & Ministry of General Administration Department, D.K.S. Bhawan, Raipur (C.G.)

2. State of Chhattisgarh,
Through Secretary & Ministry of Tribal & S.T. Development Department, D.K.S. Bhawan, Raipur,(C.G.)

3. Commissioner Tribal & S.T. Development Department, Raipur (C.G.)

4. Assistant Commissioner Tribal & S.T. Development Department, Raipur (C.G.)

5. Block Education Officer, Ramanujnagar, Tahsil - Surajpur, District Surguja (C.G.)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(44)

आदेश पत्रक

मामला क्रमांक W.P. 4555 **सन्** 2004

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12/04/2005: -

On a mention being made, the case is taken up for hearing.

Shri Ashok Kumar Shukla learned counsel for the petitioner.

Shri Sandeep Dubey, learned Govt. Advocate, for the State/respondents.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality and propriety of the order dated 31/07/2004 whereby the petitioner who is working as Assistant Teacher in Primary School Chandrikapur, has been transferred to Primary School Nilkanthpur (Ramchandrapur), District Surguja.

The case of the petitioner is that he has been transferred from one educational district to another educational district at a distance of about 250 kilometers which is going to effect his seniority and the seniority list is being maintained district wise. The other ground taken by the petitioner is that he has 75 years old father and he is not maintaining sound health and therefore the petitioner cannot shift him to the new place of posting and the transfer is against the policy. Moreover, the petitioner himself is suffering from lungs problem and he is presently undergoing the medication.

Return has been filed on behalf of the respondents in which it has been mentioned that the petitioner is working as Assistant Teacher under the Department of Tribal Welfare and he is not an employee of the School Education department. Therefore, the contention of the petitioner is incorrect that he has been transferred from one educational district to

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

another district. As far as district Surguja is concerned, the Tribal Welfare Department is being considered as one district and as such there is no transfer of the petitioner from one Educational district to another district.

Learned counsel appearing for the petitioner submits that the petitioner may be allowed to make a representation to respondent No.4, looking to his difficulties mentioned above, to which learned Panel Lawyer appearing for the State/respondents has no objection.

Having heard learned counsel appearing for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a representation to respondent No.4 within ten days from today raising all his grievances, in turn, respondent No.4 is directed to consider and decide the same within two months from the date of receipt of the representation in an objective manner consider the grievances of the petitioner, in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.4890 of 2004 and I.A. No.1774 of 2005 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Bajeth